

IN RE: BRANDON MOON

1

Case No.: 2004

)

EMT I.D. NO.: 1006560

)

CONSENT AGREEMENT

A written Complaint has been filed with the Delaware State Fire Prevention Commission (“Commission”) alleging that Brandon Moon (“Respondent”), an emergency medical technician in the State of Delaware has engaged in conduct which constitutes grounds for discipline under 16 *Del. C.* Ch. 67 and the Delaware State Fire Prevention Regulations.

Respondent and the State enter into this Consent Agreement and submit it to the Commission for review and approval as a means of resolving the pending administrative prosecution against Respondent pursuant to 16 *Del. C. Ch. 67* and 29 *Del. C. Ch. 101*.

IT IS UNDERSTOOD AND AGREED THAT:

1. Respondent is a resident of Wilmington, Delaware and is certified as an emergency medical technician (“EMT”) in Delaware pursuant to the provisions of 16 *Del. C.* Ch. 67.

2. On February 9, 2020, after an altercation with his spouse that was witnessed by their minor child, Respondent was arrested for one count of Assault 2nd Degree in violation of 11 *Del. C.* § 612 and one count of Endangering the Welfare of a Child in violation of 11 *Del. C.* § 1102 in court case 2002005767.

3. On February 11, 2020 Respondent self-reported his arrest to the Fire Commission.

4. On March 10, 2020, Respondent pled guilty to one count of offensive touching,

a lesser included offense of the assault charge, and entered into a diversion program. He was sentenced to thirty days in prison which was suspended for six months of unsupervised probation and ordered to complete a domestic violence counseling course.

5. Respondent has violated Part 710, Section 14.4.1.6 of the Delaware State Fire Prevention Regulations in that he has engaged in unprofessional conduct.

6. Respondent hereby admits that the allegations set forth in paragraphs 1 through 5 above are true and correct.

7. Respondent and the State agree that the appropriate disciplinary sanctions shall be as follows:

- a. Respondent's EMT certification shall be placed on probation for one year, or to run concurrent with his criminal probation, whichever is longer;
- b. During the period of probation, Respondent shall provide proof to the Fire Commission, on a monthly basis, of compliance with the terms of his criminal probation including proof of successful discharge from probation, should he be discharged from criminal probation prior to one year;
- c. Within 30 days on the entry of this Consent Agreement as an Order of the Commission, Respondent shall provide proof to the Fire Commission that he has engaged or is prepared to engage in any domestic abuse or anger management counseling ordered by the Court;
- d. Any violation of any of the terms of the probation including noncompliance with the terms and conditions of Respondent's criminal probation, will result in the immediate conversion of Respondent's probation to suspension for the remainder of the term without further notice or hearing;
- e. Should Respondent's license be suspended pursuant to this Order, such suspension will not lift until he petitions the Commission. At the time of such petition, the Commission may continue the suspension if it finds such action necessary to appropriately protect the public, or lift the suspension and impose any additional conditions it finds necessary to appropriately protect the public at that time; and

f. Failure to comply with this Order may result in further discipline.

8. The parties to this Consent Agreement are the State of Delaware and Respondent.

9. The parties agree and acknowledge that nothing contained in this Consent Agreement shall affect any rights or interests of any person not a party to this Agreement.

10. Respondent acknowledges that he is waiving his rights under the State Fire Prevention Regulations and 29 *Del. C.* Ch. 101 to a hearing before the Commission prior to the imposition of disciplinary sanctions.

11. Respondent acknowledges that he has carefully read and understands this Consent Agreement, and is entering into this Consent Agreement freely, knowingly, voluntarily, and after having received or having been afforded the opportunity to receive the advice of counsel.

12. Respondent acknowledges that this Consent Agreement is a public record within the meaning of 29 *Del. C.* § 10002 and will be available for public inspection and copying as provided for by 29 *Del. C.* § 10003.

13. The parties acknowledge and agree that this Consent Agreement is subject to approval by the Commission.

14. The parties acknowledge and agree that if the Commission does not accept this Consent Agreement, it shall have no force or effect, except as follows:

- a. Neither Respondent, nor anyone on his behalf, will in any way or in any forum challenge the ability of the Commission or any of its members to conduct an evidentiary hearing relating to the allegations in the subject Complaint;

- b. The Consent Agreement, or conduct or statements made in negotiating the Consent Agreement, will be inadmissible at any administrative, civil or criminal legal proceeding; and
- c. No provision contained in the Agreement shall constitute or have the effect of an admission by the Respondent as to any fact alleged in the Complaint in this matter or in this Agreement.

15. If the Commission accepts the Consent Agreement and enters it as an Order, the Consent Agreement shall be admissible as evidence at any future proceedings before the Commission.

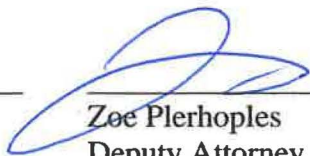
16. The parties acknowledge and agree that this Consent Agreement, along with any exhibits, addendums, or amendments hereto, encompasses the entire agreement of the parties and supersedes all previous understandings and agreements between the parties, whether oral or written. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement.

17. This Consent Agreement shall be effective upon acceptance by the Commission and entry of the Commission's Order.



Brandon Moon
Respondent

Dated: 07/01/2020



Zoe Plerhoples
Deputy Attorney General
Delaware Department of Justice

Dated: 7/6/2020